

254. Details of the upper ball and socket connections may be seen in the cross-sectional view of FIG. 34, while the lower attachment construction can be seen in detail in FIG. 35.

### RESPONSE

Claims 1-18 are still in the application.

Claims 11-18 have been rejected under section 112 for failing to have sufficient antecedent basis for the term "second frame". This rejection is traversed. Contrary to the Office Action statement, the full limitation is "second frame members." Furthermore, this rejection is not understood because a "first frame member" is set forth in line 4 of claim 11. The first frame member is exemplified by the horizontal element 108. Second frame members are then recited at line 7 and these are exemplified by vertical elements 102. There is no indication in the claim language nor any logic requiring that the second frame members should have been recited before line 7. This is especially so since there is no preceding word like "said" or "the" before the term "second frame members." *is this right*

Claims 1, 3, 6, 9 and 10 have been rejected under section 102 based on Yang. This rejection is respectfully traversed. Before a reference may act as an anticipation under section 102, it must contain all of the same elements of the invention acting in the same way. Yang does not have all of the elements set forth in claim 1. Yang discloses a back cushion including a frame 10, a beaded cushion panel 20, four locking strips 30, a stand or brace 50 and a cable 60 connecting the frame and the stand. Two brackets 12 are fastened to the frame to capture two ears 51 of the stand 50, allowing the stand to pivot relative to the frame. The four locking strips are inserted into anchorage grooves 11 to secure the beaded cushion panel 20 to the frame 10.

The Examiner first mistakenly states that Yang has a fabric panel 20. In column 2, line 6, the item 20 is described as a "beaded cushion panel" which is clearly visible in Figure

3. A network of plastic or wooden beads is not a fabric panel. The Examiner also says that the "carrier" 10 is configured to be secured along a bottom edge to a bottom portion of a chair back frame. There is no chair nor a chair back frame unless it is the frame 10. But the frame 10 cannot be connected to itself. To the extent the Examiner means there is a connection between the frame 10 and with the stand 50 by using the cable 60, this is simply ignoring normal word usage. There is a "connection" between the frame 10 and the stand 50 but the bottom edge of the frame is not "secured" to the bottom portion of a chair back frame. There is only a loose connection. Finally, the Office Action states that two upper corners of Yang are secured to top portions of the chair back frame as seen in Figure 1. Looking at Figure 1 or any of the other figures of Yang, especially Figures 9 and 10, shows that there is a connection between the stand 50 and the frame 10 about two-thirds of the way up the frame. There is nothing at the two upper corners of the frame. Also, the stand 50 is not a chair nor a chair back frame. Since not all of the limitations found in claim 1 are found in Yang, Yang does not qualify as an anticipatory reference.

With regard to claim 9, the Examiner states that one of the locking strips 30 is part of a chair back frame. If this is so, then the Examiner is again calling the frame 10 a carrier and also a chair back frame. The frame 10 may be one or the other, but not both. Yang does not have both limitations. The Examiner also makes a mistake by contending that the frame 10 is secured to the locking strip 30 by screws as shown in Figure 2. Better views are Figures 9 and 10 which show that brackets 12 are the items that are attached to the frame 10 by screws and that these are used to connect the ears 51 of the stand 50 to the frame 10.

Claims 1, 11, 15 and 17 are rejected under section 102 based upon Gregory. These rejections are also traversed. Gregory illustrates a chair with a seat assembly 12, a back

section 14 and a back support 16. The back section 14 includes a back frame 30 holding fabric 28, and the back section 14 is connected to the back support 16 by connectors 31. The support structure 50 supports the back assembly.

Contrary to the Examiner's statement, the back frame 30 (what Examiner calls the "carrier") is not "secured" to a bottom portion of a chair back frame since Figure 4 shows that the frame 30 is secured to an under-seat support structure 50 along the bottom edge of the frame 30 and to the support 16 by connectors 31 which are not along a bottom edge at the frame. Also, neither the support 50 nor the support 16 are secured to the frame 30 along a "bottom portion" of either the support 50 or the support 16. The bottom portion of the support 16 is not secured to anything -- see Fig. 1. The support 50 is horizontal so that a bottom portion is the bottom surface seen in Fig. 5 and it is not secured to the frame 30. Further, the two upper corners of the back frame 30 are not secured to anything. Once again, the uppermost connection of the frame 30 is about two-thirds high where there are attachments to the back support 16 by connectors 31.

With regard to claim 11, there is no indication that the Gregory back frame 30 is "bendable" and there are no "flexible joint means" at opposite upper corners of the back frame 30.

Once again, the cited reference does not include all of the limitations of the claims at issue and therefore cannot be used to anticipate those claims.

Claim 11 is also rejected under section 102 as being anticipated by Roossien et al. This rejection is traversed. Roossien discloses a cushion assembly 16 attached to a structural shell 14 which is covered by a decorative outer back shell 22. The structural shell 14 is L-shaped and includes a seat portion 26, a back portion 38 and a flexible compression zone 40. The shell is made of resin to permit some flexing. The shell also includes fastener apertures 42, 44, to

receive studs 120 of the outer shell 22. The back portion is connected to a base pan 24 which includes upstanding brackets/arms 30. The top edge of the brackets is labeled "58". The top edge 58 engages tabs 56 located on the back portion 38 about two-thirds of the way up.

The Examiner states that the back portion 38 is configured to be fastened along a bottom edge to a frame member 58. This is not correct. The back portion 38 is connected to the top edge 58 of the brackets 30 and the seat portion 26 is connected to the front edge 54 of the pan 24. The shell 14 is fixed at the seat portion 26 to the pan 24 by fasteners 144. See Fig. 3 and col. 4, lines 9-19. The Examiner also states that there are flexible joint means 42 at opposed upper corners of the back portion 38 which are connectable to upper portions of the second outer shell 22. However, it is clear that the outer shell 22 is a decorative outer back shell and not a frame element such as the brackets 30.

Claims 2, 8, 12, 13 and 14 are rejected under section 103 under Gregory in view of Pile. The Examiner states that Pile discloses a ball and socket arrangement. This rejection is traversed. In addition to the statements above regarding the problems with Gregory, claim 2 states that the "two upper corners of said carrier are each configured with an aperture". Neither Gregory nor Pile have a carrier with upper corners configured with an aperture. Claim 12 claims flexible joint means at opposed upper corners of the carrier which are sockets. Neither Gregory nor Pile includes sockets at opposed upper corners. These limitations are absent from the cited art.

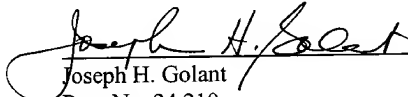
Claim 7 stands rejected under section 103 as being unpatentable over Yang in view of Stumpf et al. This rejection is traversed. The statements made above about the failings of Yang also apply to claim 7. Even when Yang is combined with Stumpf et al., not all of the limitations of the claim are present. The same applies to claim 18.

Claims 4, 5 and 16 stand rejected under section 103 over Gregory. This rejection is traversed. The Examiner states that woven monofilaments and multifilaments would be obvious since it would be within the general skill of a worker to select a known material on the basis of its suitability for the intended use. Nowhere, however, does the Examiner provide evidence that (1) woven multifilaments and monofilaments are a known material and that (2) this known material is known to be suitable for a chair. The same comment applies to the rejections of claims 4 and 5 under 103 based on Yang.

In view of the comments above, the Examiner is respectfully requested to reconsider the rejections stated in the Office Action and indicate allowance.

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Respectfully submitted,

  
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